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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,025	07/12/2001	Roberto DeLima	RSW920010098US1	1942
36736	7590	09/11/2006	EXAMINER	JEAN GILLES, JUDE
DUKE W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/904,025	DELIMA ET AL.
	Examiner Jude J. Jean-Gilles	Art Unit 2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 May 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-4,7,8,12-18,21,22,26-30,33,34 and 38 is/are rejected.
 7) Claim(s) 5,6,9-11,19,20,23-25,31,32 and 35-37 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 12 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is in regards to the Reply received on 05/31/2006.

Response to Appeal Brief request

1. This action is responsive to the Appeal Brief filed on 05/31/2006. No claim has been amended. There are no newly added claims. Claims 1-38 are pending. Claims 1-38 represent a method and apparatus for "policy-based packet classification."

With regards to the appeal Brief request filed on 05/31/2006, the MPEP, section 1207.07 states:

"The examiner may, with approval from the supervisory patent examiner, reopen prosecution to enter a new ground of rejection after appellant's brief or reply brief has been filed. The Office action containing a new ground of rejection may be made final if the new ground of rejection was (A) necessitated by amendment, or (B) based on information presented in an information disclosure statement under 37 CFR 1.97(c) where no statement under 37 CFR 1.97(e) was filed. See MPEP § 706.07(a).

This Office Action is neither necessitated by amendment nor by information presented by the applicants in an IDS. As a result, this **Office Action is made NON-FINAL**.

In view of the Appeal Brief filed on 05/31/2006, **PROSECUTION IS HEREBY REOPENED**.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or,
(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution.

Response to Arguments

2. Applicant's arguments with respect to independent claims 1, 8, 13, 14, 15, 22, 27, and 34 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the existing ground of rejection as explained here below.

The dependent claims stand rejected as articulated in the Second Office Action and all objections not addressed in Applicant's response are herein reiterated.

Information Disclosure Statement

3. The references listed on the Information Disclosure Statement submitted on 07/12/2001 have been considered by the examiner (see attached PTO-1449A).

Claim Objections

4. **Claims 5, 6, 9-11, 19, 20, 23-25, 31, 32, and 35-37** are objected to as being

dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 7, 12-15, 21, 22, 26, 27, 33, 34 and 38** are rejected under 35 U.S.C. 102(e) as being anticipated by Moses et al (Moses), Patent No. 6,499,110 B1.

Regarding **claims 1 and 15**, Moses discloses a method in a data processing system for processing a request, the method comprising:

receiving the request (column 3, lines 33-56);

responsive to a first hash value being present within the request, comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration for a quality of service(column 3, lines 33-56; see abstract);
and

responsive to a match between the first hash value and the second hash value, setting a quality of service based on information associated with the first hash value (column 3, lines 33-56; see abstract).

Regarding **claim 7**, Moses teaches the method of claim 1, wherein the data processing system is a server [fig. 1; item 17; column 1, lines 29-50].

Regarding **claim 12**, Moses teaches the method in the data processing system of claim 8, wherein the information includes a quality of service indicator (column 3, lines 33-56; see abstract).

Regarding **claim 13**, Moses teaches a data processing system comprising:
a bus system (see figs. 1-3)
a communications unit connected to the bus system [see Mohaban; fig. 4, item 402; column 9, lines 32-67; column 10; lines 1-67];
a memory connected to the bus system, wherein the memory includes a set of instructions (column 3, lines 33-56; column 5, lines 14-47; see abstract); and
a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to receive the request; compare the first hash value to a second hash value in response to a first hash value being present within the request, wherein the second hash value represents a current policy configuration for a quality of service; and set a quality of service based on information associated with the first hash value in response to a match between the first hash value and the second hash value (column 3, lines 33-56; see abstract).

Regarding **claim 14**, Moses teaches a data processing system comprising:
a bus system; a communications unit connected to the bus system(column 3,
lines 33-56; column 5, lines 14-47; see abstract);
a memory connected to the bus system, wherein the memory includes a set of
instructions(column 3, lines 33-56; column 5, lines 14-47; see abstract); and
a processing unit connected to the bus system, wherein the processing unit
executes the set of instructions to determine whether the first hash value corresponds to
a second hash value in response to receiving a request containing a selected cookie in
which the selected cookie includes a first hash value and information associated with
the hash value, wherein the second hash value represents a current policy configuration
for processing requests by the data processing system; and process the request using
the information in response to a correspondence between the first hash value and the
second hash value (column 3, lines 33-56; column 5, lines 14-47; see abstract).

Regarding **claims 21, and 33**, dependent **claims 21, and 33** are substantially
the same as **claim 7**, and are thus rejected for reasons similar to those in rejecting
claim 7.

Regarding **claim 22**, Moses teaches a data processing system for processing a
request, the data processing system comprising:
determining means, responsive to receiving a request containing a selected
cookie in which the selected cookie includes a first hash value and information
associated with the hash value, for determining whether the first hash value

corresponds to a second hash value, wherein the second hash value represents a current policy configuration for processing requests by the data processing system; and processing means, responsive to a correspondence between the first hash value and the second hash value, for processing the request using the information (column 3, lines 33-56; column 5, lines 14-47; see abstract).

Regarding **claims 26, and 38**, dependent **claims 26, and 38** are substantially the same as **claim 12**, and are thus rejected for reasons similar to those in rejecting **claim 12**.

Regarding **claim 27**, Moses teaches a computer program product in a computer readable medium for processing a request, the computer program product comprising: first instructions for receiving the request; second instructions, responsive to a first hash value being present within the request, for comparing the first hash value to a second hash value, wherein the second hash value represents a current policy configuration for a quality of service; and third instructions, responsive to a match between the first hash value and the second hash value, for setting a quality of service based on information associated with the first hash value(column 3, lines 33-56; column 5, lines 14-47; see abstract);

Regarding **claim 34**, Moses teaches a computer program product in a computer readable medium for processing a request, the computer program product comprising: first instructions, responsive to receiving a request containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash value, for determining whether the first hash value corresponds to a second hash value,

wherein the second hash value represents a current policy configuration for processing requests by the data processing system; and second instructions, responsive to a correspondence between the first hash value and the second hash value, for processing the request using the information (column 3, lines 33-56; column 5, lines 14-47; see abstract)

7. **Claims 2-4, 8, 16-18, and 28-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Moses view of Masters (Masters), U.S. Patent No. 6,374,300 B2.

Regarding **claim 2**, Moses teaches the invention substantially as claimed. Moses discloses the data processing system of claim 1, but fails to disclose a method wherein the first hash value and the information are located in a cookie within the request.

In the same field of endeavor, Masters discloses a method with “a hash that provides a quickly determinable value in the Cookie for identifying a relationship between the client and the destination” [see Masters; column 16, lines 5-8].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Masters’ teachings of a method and apparatus to use hash value within a cookie, with the data processing system of Moses, for the purpose of providing “*a computer network security system and method having enforceable security policy provisions that allows flexibility from a centralized authority to ensure more consistent control and implementation of the*

*policies while offering flexibility...." [see Moses; column 2, lines 63-67]. By this rationale **claim 2** is rejected.*

Regarding **claim 3**, the combination Moses-Masters teach the method of claim 2, wherein the cookie is located within a header of the request [see Masters; column 5; lines 55-67]. The same motivation that was used for the rejection of claim 2 is also valid for **claim 3** [see Mohaban; column 5, lines 5-8]. By this rationale, **claim 3** is rejected.

Regarding **claim 4**, the combination Moses-Masters teach the method of claim 1, wherein the request is a hypertext transport protocol request [see Masters; column 5; lines 55-67]. The same motivation that was used for the rejection of claim 2 is also valid for **claim 4** [see Mohaban; column 5, lines 5-8]. By this rationale, **claim 4** is rejected.

Regarding **claim 8**, the combination Moses-Masters teaches a method in a data processing system for processing a request, the method comprising:

responsive to receiving a request containing a selected cookie in which the selected cookie includes a first hash value and information associated with the hash value, determining whether the first hash value corresponds to a second hash value, wherein the second hash value represents a current policy configuration for processing requests by the data processing system (see Masters; see Masters; column 16, lines 5-8; see Moses; column 3, lines 33-56; see abstract); and

responsive to a correspondence between the first hash value and the second hash value, processing the request using the information (column 3, lines 33-56; see abstract).

Regarding **claims 16, 17, and 18** dependent **claims 16, 17, and 18** are substantially the same as **claims 2, 3, and 4 respectively**, and are thus rejected for reasons similar to those in rejecting **claims 1, 3, and 4**.

Regarding **claims 28, 29, and 30** dependent **claims 28, 29, and 30** are substantially the same as **claims 2, 3, and 4 respectively**, and are thus rejected for reasons similar to those in rejecting **claims 1, 3, and 4**.

Conclusion

8. Applicant's reasons for the request of the Appeal Brief and the updated search necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE NON-FINAL**. The Examiner strongly anticipate a recurring Final Rejection Office Action on the next response if amendments are not properly made to the claims to perhaps place them in condition for allowance.

Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles

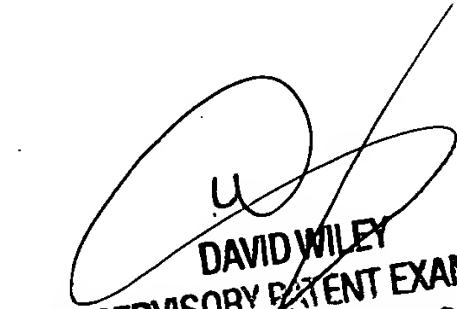
Patent Examiner

Art Unit 2143

JJG



September 04, 2006



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

WILEY
EXAMINER
100